

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Anita Fisher, on behalf of herself
and others similarly situated,

Civil No. 19-cv-1382 (MJD/HB)

Plaintiff,

v.

**ORDER ON REPORT
AND RECOMMENDATION**

Seterus, Inc., and Nationstar Mortgage
LLC,

Defendants.

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to the Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. The Report and Recommendation is **ADOPTED**;
2. Defendants' Motion to Dismiss Plaintiff's Complaint [Doc. No. 13] is

GRANTED IN PART and DENIED IN PART, as follows:

- a. Defendants' Motion to Dismiss Plaintiff's claim under 15 U.S.C. § 1692f is **GRANTED** and the claim is **DISMISSED WITHOUT PREJUDICE**;
- b. Defendants' Motion to Dismiss Plaintiff's claim for negligent misrepresentation is **GRANTED** and the claim is **DISMISSED WITHOUT PREJUDICE**; and
- c. Defendants' Motion to Dismiss Plaintiff's claim under 15 U.S.C. §§ 1692e(5) and (10) as to acceleration is **DENIED**, and **GRANTED** as to foreclosure.

Dated: November 7, 2019

s/ Michael J. Davis

MICHAEL J. DAVIS

United States District Court